

## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

April 29, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

John M. Foy  
Attorney at Law  
1720 Peachtree St., NW  
Suite 929  
Atlanta, GA 30309

04-R-0549

RE: Njama Hunter

Dear Attorney Foy:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on April 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

RCS# 5585  
4/19/04  
3:03 PM

Atlanta City Council

## Regular Session

CONSENT I                      CONSENT I PG(S) 1-18, EXCEPT:04-R-0538  
04-O-0487 04-R-0473  
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0992

Date: March 5, 2004

Claimant /Victim NAJMA HUNTER  
BY: (Atty) John M. Foy  
Address: 1720 Peachtree Street, NW, Suite 929, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated  
Date of Notice: 11/14/03 Method: Written, proper X Improper     
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/27/03 Place: Spring Valley Apartments  
Department    Bureau:     
Employee involved    Disciplinary Action:   

NATURE OF CLAIM: The claimant alleges that she was injured when she fell at the above location. However, the investigation determined that the City is not responsible for any properties known as "Spring Valley Apartments". The claimant's attorney has been advised of the above.


INVESTIGATION:

Statements: City employee    Claimant    Others    Written    Oral     
Pictures    Diagrams    Reports: Police    Dept Report    Other     
Traffic citations issued: City Driver    Claimant Driver     
Citation disposition: City Driver    Claimant Driver   

BASIS OF RECOMMENDATION:

Function: Governmental    Ministerial     
Improper Notice    More than Six Months    Other    Damages reasonable     
City not involved X Offer rejected    Compromise settlement     
Repair/replacement by Ins. Co.    Repair/replacement by City Forces     
Claimant Negligent    City Negligent    Joint    Claim Abandoned   

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$    Adverse X Account charged: 1A01    2J01    2H01    2P01     
Claims Manager: John M. Foy Concur/date 03/17/04  
Committee Action:    Council Action

# FOY & ASSOCIATES

A PROFESSIONAL CORPORATION

ATTORNEYS & COUNSELORS AT LAW

1720 PEACHTREE STREET, N.W.

SUITE 929

ATLANTA, GEORGIA 30309

6606 ABERCORN STREET, SUITE 114

SAVANNAH, GEORGIA 31405

JOHN M. FOY  
KENNETH T. LETSCH\*

ENTERED - 12-30-03 - SB  
03L0992 - DIANNE MITCHELL

TELEPHONE  
(404) 873-4483  
FAXS MAIL  
(404) 873-4491  
WWW.JOHNFOY.COM

U.S. MAIL PERMIT NO. 1000 ATLANTA, GA

November 4, 2003

VIA CERTIFIED MAIL

City of Atlanta  
Mayor Shirley Franklin  
55 Trinity Avenue  
Atlanta, GA 30303

*Mitchell*

12/30/03

*[Signature]*

RE: **Notice of Claim**

Our Client:	Najma Hunter
Negligent Party:	City of Atlanta
Date of Loss:	05/27/2003
Location:	Spring Valley Apartments
Negligent Conduct:	Unsafe Conditions
Injury:	Left leg fracture

Dear Mayor Franklin:

This letter shall provide notice to the City of Atlanta of a claim for damages in accordance with O.C.G.A. section 36-33-5. On or about 05/27/2003, our client, Najma Hunter, was severely injured when she fell down the stairs of a porch at the above referenced apartment building. She was unable to stop herself from falling because the porch had no handrails.

By this letter, we are requesting that this claim be submitted to the City of Atlanta governing authority for adjustment. Should you have any questions regarding this matter, please do not hesitate to call. Thank you for your time and attention to this matter.

Very truly yours,

FOY & ASSOCIATES, P.C.

*[Signature]*  
John M. Foy  
Attorney at Law

04-R-0549

ETR 051208195

RECEIVED  
NOV 14 2003

*[Signature]*

Entered - 12/30/03 - sb  
CL03L0992 - DIANNE C. MITCHELL

CLAIM OF: NAJMA HUNTER,  
through her attorney,  
John M. Foy  
1720 Peachtree Street, NW  
Suite 929  
Atlanta, Georgia 30309

04- R -0549

For damages alleged to have been sustained as a result of personal  
injuries due to a fall on May 27, 2003 at the Spring Valley  
Apartments.

THIS ADVERSED REPORT IS APPROVED

BY:

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: A. G. Smith

Alvin Smith

Cayla Smith

DeLoach

COUNCIL PRESIDENT PROTEM

APR 19 2004

CERTIFIED

MUNICIPAL CLERK

APR 19 2004

CERTIFIED

APR 19 2004